1.   Present Status of Patent Application

This is a full and timely response to the outstanding non-final Office Action mailed April 10, 2007. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2.   Response to Rejections of Claims under 35 U.S.C. § 101

Claim 48 stands rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter.

In response, Applicant notes that it is the view of the Patent Office that:

> [t]he computer readable medium must be physical structure which provides the functional descriptive material in usable form to permit the functionality to be realized with the computer. A program product which does not explicitly include such a medium, a program per se, a signal or other type of transmission media that fails to include the hardware necessary to realize the functionality (e.g., a transmitter or a receiver), and a piece of paper with the functional descriptive material written on it are all examples of media which are not believed to enable the functionality to be realized with the computer.

See http://www.uspto.gov/web/offices/pac/compexam/interim_guide_ subj_matter_eligibility.html (Emphasis added). Accordingly, claim 48 as presented does not cover or encompass a "signal" or a "piece of paper" since a "signal" or "a piece of paper with the functional descriptive material written on it" is not believed by the Patent Office to enable functionality to be realized with a computer and claim 48 recites that the computer readable medium causes a computer to perform a method recited in the claim. For at least this reason, withdrawal of the rejection of claim 48 is respectfully requested.

3.   Response to Rejections of Claims under 35 U.S.C. § 103

In the Office Action, claims 38-58 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Mousseau '585* (U.S. Patent No. 6,438,585) in view of *Mousseau '019* (U.S. Patent No. 6,779,019) in further view of *Gilhuly* (U.S. Patent No. 6,701,378) in further view of *Beyda* (U.S. Patent No. 6,275,850) in further view of *Hamilton* (U.S. Patent No. 6,981,023).

a. Claim 38

As provided in independent claim 38, Applicant claims:

A method for processing data in a wireless communication network comprising:

receiving at a gateway for the wireless communication network at least one electronic message having at least one attachment associated therewith;

processing the at least one electronic message based on characteristics of the at least one electronic message including size and type of the at least one electronic message and based on characteristics of the at least one attachment including size and type of the at least one attachment, wherein a determination is made whether to remove a respective attachment from the at least one electronic message;

if a determination is made to remove one or more attachments from an electronic message, providing the electronic message with one or more indicia tags for the one or more attachments being removed from the electronic message, the one or more indicia tags being derived from the characteristics of the one or more attachments including size and type characteristics;

forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments;

receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and

processing the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network.

(Emphasis added).

Applicant respectfully submits that independent claim 38 is allowable for at least

the reason that *Mousseau '585* in view of *Mousseau '019* in further view of *Gilhuly* in

further view of *Beyda* in further view of *Hamilton* does not disclose, teach, or suggest at

least "processing the attachment at a plurality of the subsystems indicated by the user,

wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited and emphasized above in claim 38.

For example, *Mousseau '585* describes a system for "replicating and redirecting information from a host system to a mobile data communication device." The host system may be a user's desktop or a network server connected to a user's PC via a local-area network. Col. 2, lines 49-61. A <u>redirector</u> program on the host system enables a user to redirect user-selected data items on the host system to a user's mobile data communications device. Col. 2, lines 62-65. As stated by its name, the <u>redirector</u> program is able to redirect items to the mobile device after the items have been delivered successfully to the host system. An attachment of a datagram may be redirected to an attachment displayer selected by the host system either automatically or based on input from a user. As such, *Mousseau '585* fails to disclose that a plurality of attachment displayers may process the same attachment. Likewise, *Mousseau '019*, *Gilhuly*, *Beyda*, and *Hamilton* do not cure the deficiencies of the *Mousseau '585* reference.

Accordingly, the proposed combination fails to teach or suggest at least "processing the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited in claim 38.

Therefore, a *prima facie* case establishing an obviousness rejection by *Mousseau '585* in view of *Mousseau '019* in further view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* has not been made. Thus, claim 38 is not obvious under the proposed combination and the rejection should be withdrawn.

b. Claims 39-46

For at least the reasons given above, claim 38 is allowable over the cited art of record. Since claims 39-46 depend from claim 38 and recite additional features, claims 39-46 are allowable as a matter of law over the cited art of record.

c. Claim 47

As provided in independent claim 47, Applicant claims:

> A system for processing data in a wireless communication network comprising:
> means for receiving at a gateway for the wireless communication network at least one electronic message having at least one attachment associated therewith;
> means for processing the at least one electronic message based on characteristics of the at least one electronic message including size and type of the at least one electronic message and based on characteristics of the at least one attachment including size and type of the at least one attachment, wherein a determination is made whether to remove a respective attachment from the at least one electronic message;
> means for providing the electronic message with one or more indicia tags for one or more attachments being removed from an electronic message if a determination is made to remove the one or more attachments from the electronic message, the one or more indicia tags being derived from the characteristics of the one or more attachments including size and type characteristics;
> means for forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments;
> means for receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and
> ***means for processing the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network.***

(Emphasis added).

Applicant respectfully submits that independent claim 47 is allowable for at least the reason that *Mousseau '585* in view of *Mousseau '019* in further view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* does not disclose, teach, or suggest at least "means for processing the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited and emphasized above in claim 47.

For example, *Mousseau '585* describes a system for "replicating and redirecting information from a host system to a mobile data communication device." The host system may be a user's desktop or a network server connected to a user's PC via a local-area network. Col. 2, lines 49-61. A <u>redirector</u> program on the host system enables a user to redirect user-selected data items on the host system to a user's mobile data communications device. Col. 2, lines 62-65. As stated by its name, the <u>redirector</u> program is able to redirect items to the mobile device after the items have been delivered successfully to the host system. An attachment of a datagram may be redirected to an attachment displayer selected by the host system either automatically or based on input from a user. As such, *Mousseau '585* fails to disclose that a plurality of attachment displayers may process the same attachment. Likewise, *Mousseau '019*, *Gilhuly*, *Beyda*, and *Hamilton* do not cure the deficiencies of the *Mousseau '585* reference.

Accordingly, the proposed combination fails to teach or suggest at least "means for processing the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited in claim 47.

Therefore, a *prima facie* case establishing an obviousness rejection by *Mousseau '585* in view of *Mousseau '019* in further view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* has not been made. Thus, claim 47 is not obvious under the proposed combination and the rejection should be withdrawn.

d. Claim 48

As provided in independent claim 48, Applicant claims:

> A computer-readable medium containing instructions for controlling a computer system to perform a method in a wireless communication environment, said instructions, when executed by the computer system, cause the computer system to perform:
> receiving at a gateway for a wireless communication network at least one electronic message having at least one attachment associated therewith;
> processing the at least one electronic message based on characteristics of the at least one electronic message including size and type of the at least one electronic message and based on characteristics of the at least one attachment including size and type of the at least one attachment, wherein a determination is made whether to remove a respective attachment from the at least one electronic message;
> if a determination is made to remove one or more attachments from an electronic message, providing the electronic message with one or more indicia tags for the one or more attachments being removed from the electronic message, the one or more indicia tags being derived from the characteristics of the one or more attachments including size and type characteristics;
> forwarding the electronic message to the recipient with the one or more indicia tags and without the one or more attachments;
> receiving instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and
> ***processing the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network.***

(Emphasis added).

Applicant respectfully submits that independent claim 48 is allowable for at least the reason that *Mousseau '585* in view of *Mousseau '019* in further view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* does not disclose, teach, or suggest at least "processing the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited and emphasized above in claim 48.

For example, *Mousseau '585* describes a system for "replicating and redirecting information from a host system to a mobile data communication device." The host system may be a user's desktop or a network server connected to a user's PC via a local-area network. Col. 2, lines 49-61. A <u>redirector</u> program on the host system enables a user to redirect user-selected data items on the host system to a user's mobile data communications device. Col. 2, lines 62-65. As stated by its name, the <u>redirector</u> program is able to redirect items to the mobile device after the items have been delivered successfully to the host system. An attachment of a datagram may be redirected to an attachment displayer selected by the host system either automatically or based on input from a user. As such, *Mousseau '585* fails to disclose that a plurality of attachment displayers may process the same attachment. Likewise, *Mousseau '019*, *Gilhuly*, *Beyda*, and *Hamilton* do not cure the deficiencies of the *Mousseau '585* reference.

Accordingly, the proposed combination fails to teach or suggest at least "processing the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the

message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited in claim 48.

Therefore, a *prima facie* case establishing an obviousness rejection by *Mousseau '585* in view of *Mousseau '019* in further view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* has not been made. Thus, claim 48 is not obvious under the proposed combination and the rejection should be withdrawn.

e. Claim 49

As provided in independent claim 49, Applicant claims:

A system for processing data in a wireless communication network comprising:
a gateway for the wireless communication network configured to:
receive at least one electronic message having at least one attachment associated therewith;
process the at least one electronic message based on characteristics of the at least one electronic message including size and type of the at least one electronic message and based on characteristics of the at least one attachment including size and type of the at least one attachment, wherein a determination is made whether to remove a respective attachment from the at least one electronic message;
if a determination is made to remove one or more attachments from an electronic message, provide the electronic message with one or more indicia tags for the one or more attachments being removed from the electronic message, the one or more indicia tags being derived from the characteristics of the one or more attachments including size and type characteristics;
forward the electronic message to the recipient with the one or more indicia tags and without the one or more attachments;
receive instructions from the recipient for processing an attachment that was removed from the electronic message and replaced with an indicia tag at a subsystem connected to the gateway, the subsystem comprising a fax machine for faxing the attachment; a database for storing the attachment; and a text-to-speech device for speaking the contents of the attachment; and
process the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the

message has been delivered to the recipient over the wireless communication network.

(Emphasis added).

Applicant respectfully submits that independent claim 49 is allowable for at least the reason that *Mousseau '585* in view of *Mousseau '585* in further view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* does not disclose, teach, or suggest at least to "process the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited and emphasized above in claim 49.

For example, *Mousseau '585* describes a system for "replicating and redirecting information from a host system to a mobile data communication device." The host system may be a user's desktop or a network server connected to a user's PC via a local-area network. Col. 2, lines 49-61. A <u>redirector</u> program on the host system enables a user to redirect user-selected data items on the host system to a user's mobile data communications device. Col. 2, lines 62-65. As stated by its name, the <u>redirector</u> program is able to redirect items to the mobile device after the items have been delivered successfully to the host system. An attachment of a datagram may be redirected to an attachment displayer selected by the host system either automatically or based on input from a user. As such, *Mousseau '585* fails to disclose that a plurality of attachment displayers may process the same attachment. Likewise, *Mousseau '019*, *Gilhuly*, *Beyda*, and *Hamilton* do not cure the deficiencies of the *Mousseau '585* reference.

Accordingly, the proposed combination fails to teach or suggest at least to "process the attachment at a plurality of the subsystems indicated by the user, wherein the gateway is configured to provide wireless communications services to interactive messaging clients and provide Internet e-mail services and user-selectable filtering and wherein the gateway is configured to provide a delivery confirmation for the message to

a sender of the electronic message after the message has been delivered to the recipient over the wireless communication network," as recited in claim 49.

Therefore, a *prima facie* case establishing an obviousness rejection by *Mousseau '585* in view of *Mousseau '019* in further view of *Gilhuly* in further view of *Beyda* in further view of *Hamilton* has not been made. Thus, claim 49 is not obvious under the proposed combination and the rejection should be withdrawn.

f. Claims 50-58

For at least the reasons given above, claim 49 is allowable over the cited art of record. Since claims 50-58 depend from claim 49 and recite additional features, claims 50-58 are allowable as a matter of law over the cited art of record.

4.   Traversal of Findings of Official Notice

Regarding claim 46, the Office Action indicates that the "Examiner takes official notice that both a digital camera and digital camera including a self-contained web-cam were widely known at the time of Applicant's invention. Furthermore Examiner takes official notice that both were capable of sending and receiving data at the time of application invention." Regarding claim 51, the Office Action indicates that the "Examiner takes official notice that it was widely known in the art at the time of Applicant's invention to utilize routers structured to handle traffic selected from the group consisting of inbound Internet traffic, outbound Internet traffic, and X-Sockets traffic in order to route traffic." Regarding claim 55, the Office Action indicates that the "Examiner takes official notice that email signatures were widely known at the time of Applicant's invention and databases for storing emails that contain signatures were widely known at the time of Applicant's invention." Regarding claim 58, the Office Action indicates that the "Examiner takes official notice that it was widely known in the art at the time of Applicant's invention to utilize N Routers for receiving messages over a wireless network and transmitting messages to a recipient when the source is the Internet."

Applicant respectfully traverses each of the findings of official notice. In particular, a specific or particular reason why the finding of official notice is improper is

that the "digital camera including a self-contained web cam" of claim 45 must satisfy the features of the wireless application as defined in the base claims. Applicant submits that official notice of such features is improper. Regarding claim 51, a specific or particular reason why the finding of official notice is improper is that it is not established "wherein at least one of said mail routers is structured to handle traffic selected from the group consisting of inbound Internet traffic, outbound Internet traffic, and X-Sockets traffic" is capable of instant and unquestionable demonstration as being well-known within the context of the claimed subject matter. Regarding claim 55, a specific or particular reason why the finding of official notice is improper is that it is not established "wherein at least one of the user databases is structured to permit signatures to be associated with the messages" is capable of instant and unquestionable demonstration as being well-known within the context of the claimed subject matter. Likewise, a specific or particular reason why the finding of official notice is improper in claim 58 is that it is not established the a gateway <u>in the manner claimed</u> comprising "at least one N Router machine for receiving the electronic messages in the gateway when the source is a wireless data network and transmitting the electronic messages to a recipient when the source is the Internet" is capable of instant and unquestionable demonstration as being well-known.

Per MPEP 2144.03(A), "It would <u>not</u> be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Also, per MPEP 2144.03(B), "If such notice is taken, the basis for such reasoning must be set forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

As specific factual findings predicated on sound technical and scientific reasoning in support of the conclusion of common knowledge are not provided in the Office Action, the Official Notice and the rejections based upon this finding should be withdrawn. Further, under 37 CFR § 1.104(d)(2), if the rejections are based on facts within the personal knowledge of the examiner, "the data should be stated as specifically as possible, and the facts must be supported, when called for by the

applicant, by an affidavit from the examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons." Therefore, if this rejection is maintained, Applicant respectfully requests that document(s) be provided as support.

CONCLUSION

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. In addition, Applicant does not intend to admit anything regarding any other statements in the Office Action that is not explicitly referenced in this response. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

Charles W. Griggers, Reg. No. 47,283

THOMAS, KAYDEN,
  HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500